

REMARKS/ARGUMENTS

Reconsideration and allowance of the present application based on the following remarks are respectfully requested. Claims 1, 16-17, and 20 have been amended. Claims 19 and 22-23 have been cancelled. New claims 24-25 have been added. Support for the amendments may be found throughout the specification. No new matter has been added as a consequence of these amendments.

Claim 16 stands rejected under 35 U.S.C. §112, second paragraph as being indefinite. Claims 22-23 stand rejected under 35 U.S.C. §101 as claiming a use, without setting forth any steps involved in the process. These claims have been cancelled. Accordingly, the Applicants submit that the pending claims, as amended, are in full compliance with 35 U.S.C. § 112, second paragraph and 35 U.S.C. § 101.

Claims 1-12, 20, and 22-23 stand rejected under 35 U.S.C. §102(b) as being anticipated by International Patent Publication No. WO 09/041677 ("Kessell"). Claims 1-17, 19-20, and 22-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kessell in view of Uniqema: Product catalog and formulation guide: Tioveil MOTG ("MOTG"). Claims 1-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,838,088 ("Gers-Barlag") in view of Kessell. Claims 1-16, 18-20, and 22-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,997,887 ("Ha") in view of Kessell. For at least the following reasons, the claims are believed to be patentable over the cited references.

Applicants submit that the organic dispersions of the pending claims, as amended, overcome the rejections relying on the aqueous dispersions of Kessell. Specifically, the compositions of Kessell are "in the form of an aqueous dispersion" (see page 1, lines 5-7, of Kessell, emphasis added). In contrast, the dispersions of the pending claims, as amended, are directed towards, for example, dispersions comprising particles of metal oxide which are dispersed in an organic medium. Accordingly, Kessell does not teach or suggest the pending claims, as amended.

As MOTG fails to cure the above noted deficiencies in the aqueous dispersions of Kessell, the pending claims, as amended, are believed to be patentable.

Similar to Kessell, Applicants note that Ha's oil-in-water examples are not *organic* dispersions of particles of metal oxides, but rather, are all aqueous dispersions of metal particles prior to being prepared as oil-in-water emulsions. Thus, the pending claims, as amended, are believed to be patentable over Ha.

Finally, Applicants note that Gers-Barlag is directed towards the emulsification of particles in oil-in-water (O/W) and water-in-oil (W/O) Pickering emulsions. In particular, the concentration of particles discussed in the Pickering emulsions of Gers-Barlag are limited to 0.01 to 30% by weight, based on the total weight of the emulsion. Moreover, Applicants note that the concentration of particles exemplified in the Pickering emulsions of Gers-Barlag are limited to 2-6% by weight, based on the total weight of the emulsion. In contrast, the pending claims, as amended, are directed towards dispersions of particles of metal oxide in an organic medium, comprising, for example, at least 35% by weight of metal oxide particles based on the total weight of the dispersion. Accordingly, Applicants submit that Gers-Barlag does not suggest the organic dispersions of the pending claims, as amended.

As Kessell fails to cure the above noted deficiencies in both the Pickering emulsions of Gers-Barlag and the oil-in-water emulsions of Ha, the pending claims, as amended, are believed to be patentable.

With respect to the above non-statutory obviousness-double patenting rejections, Applicants will address these rejections upon indication of allowable subject matter.

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

JONES DAY

By:



Paul L. Sharer
Registration No. 36,004
Direct No. (202) 879-5481

Intellectual Property Group
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113
(202) 879-3939 Telephone
(202) 626-1700 Facsimile

Date: July 14, 2009